

TO: Representative Ruth Fisher, Co-Chair, House Transportation Committee
Representative Maryann Mitchell, Co-Chair, House Transportation Committee
Senator Mary Margaret Haugen, Chairman, Senate Transportation Committee
Senator Don Benton, Ranking Minority Member, Senate Transportation Committee

FROM: Senator Dan Swecker

SUBJECT: 2nd Legislative Report - Transportation Permit Efficiency and Accountability Committee (Sept. 2001-Jan. 2002)

DATE: January 15, 2002

TPEAC MEETINGS

The Transportation Permit Efficiency and Accountability Committee (TPEAC) held monthly meetings on October 11, 2001 in Olympia, November 14, 2001 in Sea-Tac, December 12, 2001 in Bellingham, and January 9, 2002 in Olympia. Highlights of these meetings are attached to this report. Agencies and legislators are working well on the committee, progress is being made in carrying out the mandates of the Environmental Permit Streamlining Act (ESB 6188), and, because they have received the necessary funding, agencies are staffing up to do the intensive work to evaluate and change processes and work on actual real-world projects. The first three months focused on organizational development of the main committee and the technical subcommittees. Accomplishments to date include:

- Scheduled monthly meetings around the state through September 2002
- Approved “Rules of Interaction”, dispute resolution, and performance measures
- Developed an internal web site for communication and document distribution
- Developed an external WSDOT web site for providing TPEAC and streamlining updates to the public
- Distributed monthly press releases
- Created a Planning subcommittee, as recommended by the U.S. Environmental Protection Agency and Federal Highway Administration.

Each participating organization made presentations describing their goals and approach to streamlining and their perception of critical success factors, as well as their concerns about the process.

Tentative Goals¹ have been established to communicate the intent of ESB 6188 and to drive the measurement of progress towards improving the performance of permitting. A performance measurement structure was approved at the January 9, 2002 TPEAC meeting. Methods to define and measure progress toward these goals will be developed for the technical subcommittees.

¹ Baselines for measuring progress must be established and terminology (e.g. “environmental benefit” and “mitigation cost”) must be defined.

Performance Measure Drivers

- Legislature's interest in accountability and success of the Act
- Demonstrate commitment to goals
- Provide information to legislators regarding return on the investment in TPEAC
- Inform interested parties, environmental groups, and public of direction being taken
- Need for consistency and certainty of goals
- Protection and preservation of the environment remains a focus

Performance Measurement Structure					
Goal (tentative)	1 (25%) reduction in mitigation costs	2 (50%) increase in environmental benefit	3 (60%) of projects in programmatic	4 (50%) reduction in redesign	5 (50%) reduction in permit timing
Objective	Reduce cost of mitigation site development through the use of watershed-based mitigation where practicable.	Provide greater benefit to the environment through the use of watershed-based data and methodologies	Identify projects and activities that lend themselves to programmatic or general permit agreements, then prioritize and develop agreements	Identify factors causing projects to require redesign and develop action strategies to prevent those factors from occurring.	Reduce the time it takes to get from the ROD to permit issuance by 50% of original schedule
Performance Measure	• Dollars	• # acres, habitat, conserved or restored • Cumulative benefits in watersheds relative to onsite mitigation	• # of projects • # of agreements and general permits	• # of projects	• Schedule
Baseline	Average annual cost for mitigation	Current env. impacts or benefit that exists today	# of projects that utilize a similar process (i.e., JARPA)	# of projects and/or current cost of redesign	Existing project schedules for projects adopting streamlining measures

Subcommittee Related Goals

Subcommittee	Goal				
	1	2	3	4	5
One-stop Permitting	○	○	◐	◐	●
Watershed Mitigation	◐	●	○	●	◐
Programmatic Permitting	◐	◐	●	◐	●
Pilot Projects	◐	●	●	●	●
Compliance, Training, and Reporting	○	◐	◐	◐	◐
Planning	○	◐	○	●	●

● Strong influence ◐ Some influence ○ Low/no influence

Scope of Work for Performance Measurement

- Determine qualitative and quantitative metrics by subcommittee aligned with the various goals
- Determine overall metrics and return on investment reporting mechanism for the project
- Identify the tools that will be used to track and measure performance
- Identify and assign individual responsibility for monitoring measurement of progress
- Work with field staff to “test” tools for measuring and tracking performance

Existing Information to Leverage

- TPEAC member critical success factors
- Ad hoc regional tracking information
- Current performance measures and methodologies and lessons learned

Other actions

At the December 12, 2001 TPEAC meeting, the committee approved two proposals. The Watershed-Based Mitigation subcommittee presented a resolution to accept the Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP) as the logical repository of best available information for salmon and watersheds. SSHIAP houses more salmon information than any other database, but is far from complete and needs enhancement. The resolution also recommended using SSHIAP for the entire state.

The second proposal, also approved by TPEAC, encouraged the establishment of a 6th technical subcommittee to deal with transportation planning and early involvement of resource agencies to address environmental issues. The Planning subcommittee was chartered to review the transportation planning process and make recommendations on environmental information and processes that promote early identification of issues in the planning phase in preparation for National Environmental Policy Act (NEPA)/ State Environmental Policy Act (SEPA) and permitting issues. It will frame the issues related to transportation planning and develop a plan to address those issues. Subcommittee members are being selected and the first scheduled meeting is January 24, 2002.

Pilot projects

TPEAC approved three pilot projects, as required by the Act, at the November 14, 2001 meeting. These projects are intended to test permit reform products such as developing permit drafting by WSDOT, coordinating multi-agency reviews of permit applications, coordinating public hearings, and developing the integration of local reviews and permitting. An eight-step streamlined model specified in the bill provided framework for the permitting process. The pilot project subcommittee based the selection of the projects on factors such as funding considerations, sensitive environmental issues, and key elements to test streamlining legislation.

The selected pilot project for **urban, near built out conditions** was the I-405 / SR 167 Interchange. This project is expected to impact the following: crossings of the Cedar and Green Rivers, a sole source aquifer, wetlands, noise, and stormwater. This pilot will test an early-action mitigation process using a watershed approach.

The pilot for an **urban center serving as rural corridor** is SR 24 in Yakima, which consists of widening a section of highway and replacing the Yakima River Bridge. The environmental issues of this project include salmon, wetlands, habitat, and flooding. The pilot will test multiple partnerships for mitigation by potentially developing a process to sell watershed-based mitigation credits that use the Advance Environmental Mitigation Revolving Account (AEMRA) as a tool to leverage projects and increase the environmental benefit.

The Hood Canal Bridge replacement (SR 3) was selected as the pilot project in a **rural corridor vital to economic vitality**. This major rural connector will face challenging salmon and stormwater issues that should help develop new strategies. The project will test partnership opportunities with watershed and regional fisheries enhancement groups and may serve as an initial test for a one-stop permit process.

On December 28, 2001, TPEAC sent letters to county and city government legislative authorities in the vicinity of the selected pilot projects, notifying them of the designation and inviting them to participate in the coordinated permit process either as a participant in the process or by assigning their permit responsibilities to WSDOT. The local governments have 60 days to respond to the invitation. Participating or assigning entities will be reimbursed for the costs of permit issuance and committee participation by the project.

TECHNICAL SUBCOMMITTEES

The technical subcommittees meet once or twice a month to perform their assigned tasks. The subcommittees are made up of staff from WSDOT; staff and liaisons from state and federal resource agencies; and representatives from business, trade, and environmental groups. They are visiting project sites, performing intra-agency surveys for problems and opportunities, and developing streamlined permit processes.

The five subcommittees and their missions are:

- **Programmatic Process:** To facilitate the creation of a process for generating programmatic permits for smaller, more common project types and activities that can be covered or batched under a single permit, such as routine paving projects. This sub-committee is required by statute. The deadline to complete a process for programmatic agreements is March 12, 2002
- **One-Stop Permitting:** To create a permitting process using coordinated, concurrent review by permitting agencies
- **Watershed-Based Mitigation:** To develop a mitigation strategy for transportation projects that maximizes environmental investment and meets multiple agency criteria for project permitting
- **Pilot Projects:** To identify and oversee transportation pilot projects for application of environmental permit streamlining processes
- **Training, Compliance, and Reporting:** To facilitate development of revised training, compliance and reporting programs

Accomplishments and next steps by subcommittees

One-Stop Permitting

WSDOT staff charted the current transportation permit process, including major steps in environmental documentation, planning, design, and interaction with resource agencies. A comprehensive chart of the process was produced as a visual aid to analyze the process and search for inefficiencies and improvements. The current process will be used as a baseline for identifying potential improvements to the permitting process and applications for specific streamlining tools developed by subcommittees such as programmatic permits, one-stop permitting, and watershed-based mitigation.

The subcommittee reviewed existing models of one-stop permitting, and the members of the subcommittee each surveyed their own agencies to determine common problem areas in the permitting process for transportation projects.

Pilot Projects

The pilot project subcommittee made investigative site visits to the SR 24 and Hood Canal Bridge pilot projects and began the process of holding detailed planning meetings to determine how it can add value to the projects. A detailed meeting plan has been developed for the startup phases of the projects from selection by TPEAC through the eight step permitting model described in the Streamlining Act. During the next set of meetings, WSDOT regional and headquarters teams and the subcommittee will address the following issues:

1. Identify project schedule and internal WSDOT team
2. Identify resource agency permit team
3. Engage local government participants and identify opportunities for substantial public involvement
4. Assess critical path of project permitting, identify desired innovations
5. Define performance measurement methods
6. Link to other subcommittees, assess time and task allotment for key participants
7. Budget/Resource needs
8. Report responsibilities

Watershed-Based Approach to Environmental Mitigation

The subcommittee examined the SSHIAP database developed as a fisheries co-management partnership by the Washington Department of Fish & Wildlife and tribes. A recommendation to TPEAC is discussed above in “other actions.” The subcommittee also participated in the site visit to the SR 24 pilot project in Yakima, for the purpose of investigating a proposal by WSDOT to use mitigation credit trading to pay for a re-alignment of the bridge over the Yakima River. This new alignment, approximately 700-feet north of the current bridge, would increase the area for the floodplain and serve as salmon habitat, according to a river corridor study performed by the US Bureau of Reclamation. There are many challenges to implementing this plan, but the subcommittee did agree that there is a high environmental value from the alternative location. The subcommittee established a workgroup to study the concerns of resource agencies about the plan.

At the December 20 meeting, the Watershed subcommittee established three working groups to focus work tasks. The Resource Characterization, Regulatory, and Local Watershed Coordination Work Groups will meet monthly. Monthly sub-committee meetings will continue to be held to inform and coordinate work group activities and products. The following work schedule has been established: December 20 - March 31 - 1) Clarify flowchart, define products, and work group schedule, 2) Identify goals, research tools, regulations, and approaches, and 3) Identify alternatives, outline, and diagram approach; April 1 - September 30 - Develop and evaluate approaches and tools; October 1 - December 31 - Assemble, summarize, and report products.

Programmatic Process

This subcommittee has been exploring different processes for programmatic permits already used by various agencies and has proposed two different approaches: 1) individual agency approach, with a separate programmatic approval for each agency and each activity, and 2) a multiple agency approach based upon procedures for a particular agency, such as the U.S. Army Corps of Engineers 404 permit, which regulates dredging and filling of wetlands. The Department of Ecology has successfully used programmatic permits for several years.

Subcommittee members agreed to a proposed list of WSDOT activities as a starting point for programmatic approvals. As a first step, the group considered that the type of activities to be permitted as a programmatic should be routine in nature, similar in scope, and not generate significant environmental impact. The group agreed to an overall list of 75 WSDOT activities to be covered by programmatic. The group identified the following activities as high priority for the development of programmatic permits:

1. Ditch/Channel Maintenance
2. Bridge Painting and Washing
3. Maintain culverts (bedload and debris)
4. Maintain fish passage facilities
5. Bridge deck repairing/ hydrodemolition
6. Bridge scour repair
7. Culvert replacement
8. Streambank stabilization

Training, Compliance, and Reporting

This subcommittee has been examining current systems and standards for environmental compliance and reporting, such as the ISO 14001 Environmental Management System. The subcommittee agreed to the application of the SONDEO method for completing baseline assessment. SONDEO is a rapid reconnaissance method of learning about situations, experiences, problems, and perspectives directly from stakeholders involved in the permit streamlining process. It produces:

- Accurate descriptions of the existing situation
- Identification of problems, constraints, costs and benefits
- Identification of potential solutions
- Assessment of impacts
- Understanding of relationships

The subcommittee will be holding workshops and interview sessions in January and February 2002 to implement this process.

ADMINISTRATIVE

Organizational efforts have resulted in nearly all designated TPEAC members participating in the process. Efforts are ongoing with the Northwest Indian Fisheries Commission and the Columbia River Inter-tribal Fisheries Commission to encourage participation in the process. However, federal agencies are not yet participating in some very critical subcommittees, including the one-stop permitting subcommittee. Their involvement is critical to the success of the permit streamlining process. Efforts continue to engage them in subcommittee work.

Prior to passage of the ESB 6188, WSDOT executive management made a presentation to Congress to explain Washington State's efforts at conducting permit-streamlining activities under provisions of the federal Transportation Equity Act of the 21st Century. Congress responded with appropriation language that places Washington State in a priority consideration mode for funding to implement provisions of ESB 6188. The Congressional Appropriation specifically mentions ESB 6188. FHWA is the lead agency in coordinating the request for federal funds. WSDOT and FHWA staff are currently developing a draft budget request.

In addition to the potential for federal funding, Congress also stipulated that the regional administrators from FHWA, the Environmental Protection Agency, the National Marine Fisheries Service, and U.S. Fish and Wildlife Service participate in the TPEAC process.

A consultant was hired to assist WSDOT's bill implementation responsibilities including facilitating TPEAC and technical subcommittee meetings, maintaining internal TPEAC website, and collating meeting packets. Sixteen permit streamlining liaison positions are divided as follows: nine are with state agencies, five are with federal agencies, and two are with tribes. Of the state agency positions, seven are filled, interviews are scheduled for one, and one is in contract negotiations. At the federal agencies, two positions are undergoing job description development and the rest are awaiting action. Four positions at WSDOT are in process of being hired. Efforts are underway to provide funding assistance to the NWIFC and CRITFC. In summary, of the 16 liaison positions, seven are filled, two are close to being filled, and seven (federal and tribal) are awaiting action. Budget information follows:

Environmental Permit Streamlining Act
01/03 Budget
12/6/2001

	FY02		FY03		2001/2003	
	Base	Adjusted	Base	Adjusted	Base	Adjusted
WSDOT Staff (1)						
Salaries						
Streamlining Coordinator (WMS)	82,000	41,000	82,000	82,000	164,000	123,000
Permitting Specialist (TPS 3)	75,000	37,500	75,000	75,000	150,000	112,500
Permitting Specialist (TPS 3)	82,000	41,000	82,000	82,000	164,000	123,000
Administrative Assistant (WMS)	50,000	25,000	50,000	50,000	100,000	75,000
Other WSDOT Staff	92,000	46,000	92,000	92,000	184,000	138,000
Operating Expenses	79,000	39,500	49,000	49,000	128,000	88,500
Personal Service Contracts	100,000	50,000	100,000	100,000	200,000	150,000
Total WSDOT Staff	560,000	280,000	530,000	530,000	1,090,000	810,000

Resource Agency/Tribal Liaison Program (2)						
WA Dept. of Ecology	310,000		310,000		620,000	742,000
WA Dept. of Fish and Wildlife	225,000		225,000		450,000	450,000
WA Dept. of Natural Resources	66,000		66,000		132,000	135,000
WA OCD	75,000		75,000		150,000	145,000
U.S. Army Corps of Engineers	170,000		170,000		340,000	135,000
National Marine Fisheries Service	170,000		170,000		340,000	270,000
U.S. Fish and Wildlife Service	75,000		75,000		150,000	270,000
Washington-area Tribes	132,000		132,000		264,000	265,000
Total Liaison Program	1,223,000	-	1,223,000	-	2,446,000	2,412,000

TPEAC Committee Support (3)						
Consultant Support/Facilitation	-	700,000	-	500,000	-	1,200,000
Meeting Room Logistics	-		-		-	-
Travel & Per diem	7,000	30,000	7,000	21,000	14,000	51,000
Total Committee Support	7,000	730,000	7,000	521,000	14,000	1,251,000

Subcommittee Support (4)						
Compliance, Training, and Reporting						
Lead Travel and Per Diem					-	20,000
WSDOT Contribution						
Federal Contribution						
One-Stop Permitting						
Lead Travel and Per Diem					-	20,000
WSDOT Contribution						
Federal Contribution						
Planning (proposed)						
Lead Travel and Per Diem					-	20,000
WSDOT Contribution						
Federal Contribution						
Pilot Projects						
Lead Travel and Per Diem					-	20,000
WSDOT Contribution						
Federal Contribution						
Programmatic						
Lead Travel and Per Diem					-	20,000
WSDOT Contribution						
Federal Contribution						
Watershed						
Lead Travel and Per Diem					-	20,000
WSDOT Contribution						
Federal Contribution						
Total Subcommittee Support	-	-	-	-	-	120,000

Total Budget 1,790,000 1,010,000 1,760,000 1,051,000 3,550,000 4,593,000

Notes/Change Assumptions

- (1) Source: ESB 6188 Fiscal Note. 6-month vacancy savings due to recruitment and hiring delays. Operating expenses transferred to consultant support/facilitation. Other WSDOT Staff: Includes assumption that 4 WSDOT staff per subcommittee will spend 8 hours per month on TPEAC Committee activities.
- (2) Source: G. Skinner, EPSA Liaison Budget Status Report v1. 11/16/01 (rounded) In most cases, there is a 5-6 month vacancy savings. Eliminated one Corp position; added one USFWS position.
- (3) Source: CH2M-HILL Scope of Work; Phase 1 & 2; Estimate Travel Expense (K. Stowe)
- (4) Source: Caucus Lead Travel: R. Singer Estimate, 20 meetings; 10 people;\$100 per meeting.
- (5) "Adjusted" refers to the amount of dollars not being used since these positions are still vacant.

COMMUNICATION AND OUTREACH

A comprehensive stakeholder communications plan was implemented to facilitate coordination between TPEAC members and to present material to the public. TVW has broadcast one meeting. WSDOT's Environmental Affairs Office maintains a public web page dedicated to Environmental Permit Streamlining at http://www.wsdot.wa.gov/eesc/environmental/programs/regcomp/streamlin_act/streamlining_act.htm. The web page is updated regularly to display dynamic, updated content and to lead readers to current information quickly. It contains summaries of TPEAC meetings and activities, press releases, background information about permit streamlining, opportunities for public comment and participation, and meeting schedules.

A separate web site for TPEAC members was also developed. This web site allows committee and subcommittee members to review working materials and interact electronically. The continuously updated content of this web site includes a calendar, document library, and e-mail tracking capabilities. Other components of the communications plan include publication of TPEAC and subcommittee agendas and minutes, periodic findings and summary reports, and public education and involvement materials.

FUTURE TPEAC MEETING DATES

The following dates and tentative locations have been scheduled for future TPEAC meetings:

DATE	LOCATION
Wednesday, February 13, 2002	Olympia
Wednesday, March 20, 2002	Olympia
Wednesday, April 10, 2002	Vancouver
Wednesday, May 8, 2002	Spokane
Wednesday, June 12, 2002	Tri-Cities
Wednesday, July 10, 2002	Bellevue
Wednesday, August 14, 2002	Moses Lake
Wednesday, September 11, 2002	Silverdale